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# A BILL FOR AN ACT

RELATING TO PARKING FOR DISABLED PERSONS.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1       SECTION 1. The legislature finds that the statewide  
2 parking program for persons with disabilities, established under  
3 part III of chapter 291, Hawaii Revised Statutes, pursuant to  
4 federal Public Law 100-641, and administered by the disability  
5 and communication access board, provides individuals with  
6 mobility disabilities the ability to travel and park in  
7 accessible stalls.

8       The legislature finds that the exemption from payment of  
9 parking fees for the first two-and-a-half hours or the maximum  
10 time the meter allows, whichever is longer, was not intended as  
11 a benefit for persons with mobility impairments. Rather, this  
12 exemption was intended for those who drove themselves and who  
13 were unable to reach or operate a parking meter because of a  
14 physical disability.

15       The legislature finds that while part III of chapter 291,  
16 Hawaii Revised Statutes, provides for the imposition of fines  
17 for the use of disability parking permits that were fraudulently



1 manufactured or altered, used by unauthorized persons, or  
2 rendered invalid, it does not expressly authorize law  
3 enforcement to confiscate the permits. Therefore, law  
4 enforcement officers may not confiscate such permits and  
5 individuals who may be cited for unlawfully using a permit may  
6 be at liberty to violate the law again, thereby reducing the  
7 availability of parking spaces designed and reserved for persons  
8 who need them.

9 The legislature further finds that while part III of  
10 chapter 291, Hawaii Revised Statutes, establishes the  
11 disabilities that qualify for a disability parking permit, the  
12 current wording is vague. This causes physicians and advanced  
13 practice registered nurses to incorrectly certify certain  
14 applicants.

15 The purpose of the Act is to:

- 16 (1) Clarify that the exemption from parking fees is only  
17 for those who drive and are unable to reach or operate  
18 a parking meter due to a physical disability;
- 19 (2) Stipulate that the exemption also applies to areas  
20 where parking fee payment is made via an unattended  
21 pay station;



(3) Add additional wording to reflect changes in parking technology and terminology;

(4) Authorize law enforcement to confiscate a permit that is invalid or has been fraudulently manufactured or altered; and

(5) Clarify the disabilities that qualify an applicant for certification of eligibility.

SECTION 2. Chapter 291, Hawaii Revised Statutes, is amended by adding three new sections to part III to be appropriately designated and to read as follows:

**"§291-A Issuance of a disabled paid parking exemption permit.** The issuing agency shall issue one disabled paid parking exemption permit to each applicant who presents a certificate of disability that verifies that the applicant is licensed to drive a motor vehicle and that the applicant cannot reach or operate parking meters or unattended pay stations because of the applicant's physical disability. The disabled paid parking exemption permit shall have the same expiration as the removable windshield placard, temporary removable windshield placard, or special license plates issued to the applicant.



1       §291-B Sale or purchase. Only a state or county issuing  
2 agency may offer for sale a disability parking permit and no  
3 person may purchase a disability parking permit except from a  
4 state or county issuing agency. Any person who sells or  
5 purchases a disability parking permit in violation of this  
6 section shall be guilty of a misdemeanor. The sale or purchase  
7 of each disability parking permit in violation of this section  
8 shall constitute a separate offense.

9       §291-C Confiscation. A disability parking permit may be  
10 confiscated by a law enforcement officer or a commissioned  
11 volunteer enforcement officer of a county law enforcement agency  
12 for:

- 13       (1) Fraudulent manufacture or alteration pursuant to  
14       section 291-52.7;  
15       (2) Any unauthorized use pursuant to section 291-53;  
16       (3) Display of an invalid disability parking permit; or  
17       (4) Selling or purchasing a disability parking permit  
18       pursuant to section 291-B.

19       For the purposes of this section, "commissioned volunteer  
20 enforcement officer" means a civilian volunteer commissioned by



1 a county chief of police to act as an enforcement officer for  
2 limited purposes as determined by the county chief of police."

3 SECTION 3. Section 291-51, Hawaii Revised Statutes, is  
4 amended as follows:

5 1. By adding three new definitions to be appropriately  
6 inserted and to read as follows:

7 "Disability parking permit" means a removable windshield  
8 placard, special license plate, temporary removable windshield  
9 placard, or disabled paid parking exemption permit.

10 "Disabled paid parking exemption permit" means a permit to  
11 be displayed on a dashboard or contained elsewhere on the  
12 vehicle, a code, or a two-sided, hanger style placard that  
13 indicates that the individual to whom the permit, code, or  
14 placard is issued pursuant to this part is licensed to drive a  
15 motor vehicle and not able to reach or operate a parking meter  
16 or unattended pay station because of a physical disability.

17 "Invalid disability parking permit" means an expired or  
18 voided removable windshield placard, temporary removable  
19 windshield placard, special license plates, or disabled paid  
20 parking exemption permit."



1           2. By amending the definition of "person with a  
2 disability" to read as follows:

3           "Person with a disability" means a person with a disability  
4 ~~[which]~~ that limits or impairs the ability to walk, and who, as  
5 determined by a licensed practicing physician[+] or advanced  
6 practice registered nurse:

7           (1) Cannot walk two hundred feet without stopping to rest,  
8 ~~[due to a diagnosed arthritic, neurological,~~  
9 ~~orthopedic, renal, vascular, or oncological~~  
10 ~~condition;]~~ and who has been diagnosed with:

11           (A) An arthritic, neurological, orthopedic, renal,  
12 vascular, or oncological condition;

13           (B) Lung disease to such an extent that the person's  
14 forced (respiratory) expiratory volume for one  
15 second, when measured by spirometry, is less than  
16 one liter, or the arterial oxygen tension is less  
17 than sixty mm/hg on room air at rest; or

18           (C) A cardiac condition to the extent that the  
19 person's functional limitations are classified in  
20 severity as Class III or Class IV according to



1                   the standards set by the American Heart

2                   Association; and

3           (2)   ~~[Cannot walk without the use of, or assistance from, a~~  
4               ~~brace, cane, crutch, another person, prosthetic~~  
5               ~~device, wheelchair, or other assistive device;]~~

6           Because of a condition identified in paragraph (1):

7           (A)   Cannot walk two hundred feet under the person's  
8               own power without stopping to rest; or

9           (B)   Cannot walk without the use of, or assistance  
10               from, a brace, cane, crutch, another person,  
11               prosthetic device, wheelchair, or other assistive  
12               device; or

13           (C)   Uses portable oxygen.

14       ~~[(3)   Is restricted by lung disease to such an extent that~~  
15       ~~the person's forced (respiratory) expiratory volume~~  
16       ~~for one second, when measured by spirometry, is less~~  
17       ~~than one liter, or the arterial oxygen tension is less~~  
18       ~~than sixty mm/hg on room air at rest;~~

19       ~~(4)   Uses portable oxygen; or~~

20       ~~(5)   Has a cardiac condition to the extent that the~~  
21       ~~person's functional limitations are classified in~~



1 ~~severity as Class III or Class IV according to the~~  
2 ~~standards set by the American Heart Association.] "~~

3 SECTION 4. Section 291-51.4, Hawaii Revised Statutes, is  
4 amended to read as follows:

5 "**§291-51.4 Fraudulent verification of an applicant as a**  
6 **person with a disability; penalty.** A physician or advanced  
7 practice registered nurse who fraudulently verifies that an  
8 applicant is a person with a disability to enable the person to  
9 represent to the issuing agency that the person is qualified to  
10 obtain a [~~removable windshield placard, temporary removable~~  
11 ~~windshield placard, or special license plates~~] disability  
12 parking permit shall be guilty of a petty misdemeanor. Each  
13 fraudulent verification shall constitute a separate offense."

14 SECTION 5. Section 291-51.7, Hawaii Revised Statutes, is  
15 amended to read as follows:

16 "**§291-51.7 Reciprocity.** The State, counties, and private  
17 property owners shall recognize [~~removable windshield placards,~~  
18 ~~temporary removable windshield placards, and special license~~  
19 ~~plates which~~] disability parking permits that have been issued  
20 by authorities of other states and countries, for the purpose of  
21 identifying persons permitted to:





(1) Utilize parking spaces reserved for persons with disabilities; or

(2) Exercise other parking privileges afforded by the State, counties, or private property owners for the benefit of persons with disabilities."

SECTION 6. Section 291-52.5, Hawaii Revised Statutes, is amended to read as follows:

"§291-52.5 **Issuance of identification card.** The issuing agency shall issue one identification card at the same time it issues a [~~removable windshield placard, temporary removable windshield placard, or special license plates~~] disability parking permit to a person with a disability."

SECTION 7. Section 291-52.6, Hawaii Revised Statutes, is amended to read as follows:

"§291-52.6 **Replacement of a removable windshield placard, disabled paid parking exemption permit, or identification card.**

A removable windshield placard, temporary removable windshield placard, disabled paid parking exemption permit, or identification card shall be replaced upon:

(1) Submittal to the issuing agency of a completed application for a removable windshield placard,



1 temporary removable windshield placard, disabled paid  
2 parking exemption permit, or identification card to  
3 the issuing agency; and

4 (2) Payment of a fee."

5 SECTION 8. Section 291-52.7, Hawaii Revised Statutes is  
6 amended to read as follows:

7 "§291-52.7 Fraudulent manufacture or alteration, sale,  
8 issuance, or use of [placards] disability parking permits and  
9 identification cards. Any person who fraudulently manufactures  
10 or alters a [~~removable windshield placard, temporary removable~~  
11 ~~windshield placard,~~] disability parking permit or identification  
12 card for personal use, sale, or issuance to another person to  
13 circumvent the issuance requirements of this part, or any person  
14 who uses a fraudulently manufactured or altered [~~placard~~]  
15 disability parking permit or identification card to circumvent  
16 the issuance requirements of this part, shall be guilty of a  
17 misdemeanor. The fraudulent manufacture or alteration of each  
18 [~~placard~~] disability parking permit and of each identification  
19 card for personal use, sale, or issuance or is otherwise used in  
20 violation of this section shall constitute a separate offense."



SECTION 9. Section 291-53, Hawaii Revised Statutes, is amended to read as follows:

"§291-53 **Nontransferability; penalty.** The [~~removable windshield placard, temporary removable windshield placard, or special license plates~~] disability parking permit shall not be used by anyone other than the person with a disability to whom it was issued unless it is being used in connection with the transport of the person with a disability. An unauthorized person using the [~~removable windshield placard, temporary removable windshield placard, or special license plates~~] disability parking permit to obtain the special parking privileges authorized under this part or otherwise afforded by the State or counties, shall be guilty of a traffic infraction under chapter 291D and fined [~~not~~] no less than \$250 nor more than \$500. [~~A removable windshield placard, temporary removable windshield placard, or special license plates may be confiscated by a law enforcement officer or commissioned volunteer enforcement officer of the county law enforcement agency for any unauthorized use.~~]"

SECTION 10. Section 291-54, Hawaii Revised Statutes, is amended to read as follows:



1       "§291-54   Display of removable [and] windshield placards;  
2   temporary removable windshield placards[-]; and disabled paid  
3   parking exemption permit.   The placard or disabled paid parking  
4   exemption permit shall be displayed in such a manner that it may  
5   be viewed from the front and rear of the vehicle by hanging it  
6   from the front windshield rearview mirror of a vehicle when the  
7   placard or disabled paid parking exemption permit is in use.  If  
8   the design or condition of the rearview mirror, or the design or  
9   condition of the placard or disabled paid parking exemption  
10   permit precludes hanging the placard or disabled paid parking  
11   exemption permit in a secure manner, the placard or disabled  
12   paid parking exemption permit shall be displayed on the  
13   dashboard."

14       SECTION 11.   Section 291-55, Hawaii Revised Statutes is  
15   amended to read as follows:

16       "§291-55   ~~[Metered parking privileges.]~~ Parking fees.   [Any  
17   ~~vehicle displaying special license plates, a removable~~  
18   ~~windshield placard, or a temporary removable windshield placard~~  
19   ~~issued under this part shall be permitted to park, without~~  
20   ~~payment of metered parking fees, in any metered parking space~~  
21   ~~for a maximum of two and a half hours or the maximum amount of~~



1 ~~time the meter allows, whichever is longer. All parking fees~~  
2 ~~not specifically exempted under this part shall remain in~~  
3 ~~effect.] (a) All parking fees not specifically exempted under~~  
4 this section shall remain in effect.

5 (b) A driver who is issued a disabled paid parking  
6 exemption permit pursuant to section 291-A shall be permitted to  
7 park a vehicle in any parking area where payment is required,  
8 via a parking meter or unattended pay station, without payment  
9 of parking fees for the first two-and-a-half hours or the  
10 maximum amount of time the meter allows, whichever is longer."

11 SECTION 12. Section 291-56, Hawaii Revised Statutes, is  
12 amended to read as follows:

13 "**§291-56 Rules.** The disability and communication access  
14 board shall adopt rules under chapter 91 to carry out the  
15 purposes of this part, including rules for:

- 16 (1) The issuance, renewal, confiscation, revocation, and  
17 suspension of [~~removable windshield placards,~~  
18 ~~temporary removable windshield placards, and special~~  
19 ~~license plates,]~~ disability parking permits;



- 1 (2) Decertification, reciprocity, and the replacement of  
2 ~~[placards]~~ disability parking permits and  
3 identification cards;
- 4 (3) The design of ~~[the placard,]~~ disability parking  
5 permits and identification [card,] cards; ~~[and special~~  
6 ~~license plates]~~
- 7 (4) The establishment of transaction fees for removable  
8 windshield placards[+], temporary removable windshield  
9 placards, and disabled paid parking exemption permits;
- 10 (5) Signage and marking of parking spaces;
- 11 (6) Reimbursement rates to the counties; and
- 12 (7) Penalties."

13 SECTION 13. Section 291-57, Hawaii Revised Statutes, is  
14 amended by amending subsections (a) and (b) to read as follows:

15 "(a) Any person who uses a parking space reserved for  
16 persons with disabilities who:

- 17 (1) Fails to properly display ~~[a removable windshield~~  
18 ~~placard, a temporary removable windshield placard, or~~  
19 ~~special license plates;]~~ a disability parking permit;
- 20 (2) Displays an invalid ~~[removable windshield placard, an~~  
21 ~~invalid temporary removable windshield placard, or~~



1           ~~invalid special license plates;~~ disability parking  
2           permit;

3           (3) Uses a [~~removable windshield placard, a temporary~~  
4           ~~removable windshield placard, or special license~~  
5           ~~plate~~] disability parking permit that was not issued  
6           to that person or to any passengers occupying the  
7           vehicle in the parking space; or

8           (4) With or without a [~~removable windshield placard, a~~  
9           ~~temporary removable windshield placard, or special~~  
10           ~~license plates;~~] disability parking permit:

11           (A) Parks in an access aisle; or

12           (B) Obstructs the ingress or egress to a parking  
13           space reserved for a person with a disability;

14 shall be guilty of a traffic infraction under chapter 291D and  
15 shall be fined [~~not~~] no less than \$250 nor more than \$500 and  
16 pay any costs incurred by the court related to assessing the  
17 fine; provided that a person with a disability who has been  
18 issued a valid [~~placard or special license plate~~] disability  
19 parking permit that is currently in effect, and who has failed  
20 to display the [~~placard or license plate~~] disability parking  
21 permit while parking in a space reserved for persons with



1 disabilities, shall pay a fine of [~~not~~] no less than \$25 nor  
2 more than \$100 and any costs incurred by the court related to  
3 assessing the fine.

4 (b) Any person who uses a parking space reserved for  
5 persons with disabilities and refuses or fails to present an  
6 identification card issued under this chapter or the rules  
7 adopted thereunder to an enforcement officer upon request shall  
8 be guilty of a traffic infraction under chapter 291D and shall  
9 be fined [~~not~~] no less than \$250 nor more than \$500."

10 SECTION 14. In codifying the new sections added by section  
11 2 of this Act, the revisor of statutes shall substitute  
12 appropriate section numbers for the letters used in designating  
13 the new sections in this Act.

14 SECTION 15. Statutory material to be repealed is bracketed  
15 and stricken. New statutory material is underscored.

16 SECTION 16. This Act shall take effect on July 1, 2050.





**Report Title:**

Persons with a Disability; Parking Meter Fees; Permit  
Confiscation; Exemption

**Description:**

Clarifies that the exemption from payment of parking fees is an exception for drivers who are unable to reach or operate a parking meter or unattended pay station because of a physical disability, and who display a disabled paid parking exemption permit. Clarifies that the time limits for the parking fee exemption applies to unattended pay stations as well as meters. Makes the unauthorized act of selling or buying a disability parking permit a misdemeanor. Provides that law enforcement may confiscate a disability parking permit that has been altered or is invalid. Clarifies the types of disabilities that qualify for a disability parking permit. Effective 7/1/2050. (SD2)

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